

REMARKS

Claims 1-18 were presented for examination and all claims were rejected. Thus, claims 1-18 are pending in this application of which claims 1, 10 and 18 are independent. Applicants submit that pending claims 1-18 are in condition for allowance. All stated grounds for rejection have been addressed in the following comments. Applicants respectfully request reconsideration and allowance of claims 1-18 in view of the remarks set forth below.

I. CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claims 1-3, 5-6, 8-13, 15-18 are rejected as unpatentable over U.S. Patent No. 6,859,840 to Singal et al. (“Singal”) and further in view of U.S. Patent Publication No. 2001/0029523 A1 to McTernan (“McTernan”) under 35 U.S.C. §103. Applicants respectfully traverse this rejection and submit that neither Singal nor McTernan, alone or in combination, teach or suggest each and every element recited in the claimed invention.

A. Claims 1-3, 5-6, 8-13 and 15-18 Patentable Over Singal and McTernan

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. Claims 1, 10 and 18 are independent. Claims 1, 10 and 18 are directed toward a system, a method and an article of manufacture, respectively, for efficiently downloading a page of broadband content. These claims recite retrieving a remainder of the content file in response to displaying the retrieved portion of the content file. Applicants submit that neither Singal nor McTernan, alone or in combination, teach or suggest this feature of the claimed invention.

Singal fails to teach or suggest retrieving a remainder of the content file in response to displaying the retrieved portion of the content. Rather, Singal describes retrieving the remainder of the content file upon transmitting the first portion of the content file to the client, as described in Singal’s abstract:

“Upon receiving a request for delivery from a user, the edge server computer transmits the first portion of the media object to the client computer. The edge server computer then requests delivery of the

remaining portion of the media object from the origin server computer.”

Instead of retrieving a remaining portion responsive to displaying the first portion, Singal merely retrieves the next portion upon sending the first portion. The Examiner cites Mcternan for the purpose of its media player client system. As with Singal, Mcternan fails to teach or suggest this feature of the claimed invention. Thus, Singal and Mcternan fail to teach or suggest retrieving a remainder of the content file in response to displaying the retrieved portion of the content file.

Because Singal and Mcternan, alone or in combination, fail to teach or suggest each and every element of the claimed invention, Applicants submit independent claims 1, 10 and 18 are patentable and in condition for allowance. Claims 2-3, 5-6 and 8-9 depend on and incorporate all of the patentable subject matter of independent claim 1. Claims 11-13 and 15-17 depend on and incorporate all of the patentable subject matter of independent claim 10. Thus, Applicants submit claims 2-3, 5-6, 8-9, 11-13 and 15-17 are patentable and in condition for allowance. Accordingly, Applicants request the Examiner to reconsider and withdraw the rejections of claims 1-3, 5-6, 8-13 and 15-18 under 35 U.S.C. §103.

B. Dependent Claims 4, 7 and 14 Patentable Over Singal, Mcternan, Laplante, Greenwood and Mayer

Claim 4 is rejected as unpatentable over Singal in further view of Mcternan and in further view of the Dictionary of Computer Science, Engineering and Technology by Phillip A. Laplante (“Laplante”) under 35 U.S.C. §103. Claim 7 is rejected as unpatentable over Singal in further view of Mcternan and in further view of U.S. Patent No. 5568181 to Greenwood (“Greenwood”) under 35 U.S.C. §103. Claim 14 is rejected as unpatentable over Singal in further view of Mcternan and in further view of U.S. Publication No. 2004/0128343 to Mayer (“Mayer”) under 35 U.S.C. §103. Applicants respectfully traverse this rejection and submit that neither Singal, Mcternan, Dictionary, Greenwood or Mayer, alone or in combination, fail to teach or suggest each and every element of the claimed invention.

Claim 4 depends on and incorporates all of the patentable subject matter of independent claim 1. As with Singal and McTernan, Laplante fails to teach or suggest retrieving a remainder of the content file in response to displaying the retrieved portion. Instead, Laplante only discusses a definition of bandwidth performance analysis as explained by a dictionary. Thus, Laplante also fails to detract from the patentability of dependent claim 4.

Claim 7 depends on and incorporates all of the patentable subject matter of independent claim 1. As with Singal and McTernan, Greenwood fails to teach or suggest retrieving a remainder of the content file in response to displaying the retrieved portion of the content file. Instead, Greenwood only discusses a bandwidth measurement device determining a bandwidth of the network. (Greenwood, col. 7, lines 40-65) Thus, Greenwood also fails to detract from the patentability of dependent claim 7.

Claim 14 depends on and incorporates all of the patentable subject matter of independent claim 10. As with Singal and McTernan, Mayer fails to teach or suggest retrieving a remainder of the content file in response displaying the retrieved portion of the content file. Instead, Mayer only discusses file transfers over a peer to peer network (Mayer, paragraph 47). Thus, Mayer also fails to detract from the patentability of dependent claim 14.

Because Singal, McTernan, Laplante, Greenwood and Mayer, alone or in combination, fail to teach or suggest each and every element of the claimed invention, Applicants submit dependent claims 4, 7 and 14 are patentable and in condition for allowance. Therefore, Applicants request the Examiner to reconsider and withdraw the rejection of claims 4, 7 and 14 under 35 U.S.C. §103.

CONCLUSION

In light of the aforementioned arguments, Applicants contend that each of the Examiners' rejections has been adequately addressed and all of the pending claims are in condition for allowance. Accordingly, Applicants respectfully request reconsideration, withdrawal of all grounds of rejection, and allowance of all of the pending claims.

Should the Examiner feel that a telephone conference with Applicants' attorney would expedite prosecution of this application, the Examiner is urged to contact the Applicants' attorney at the telephone number identified below.

Respectfully submitted,

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